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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,167

06/02/2006

Jan Van Der Meer

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

PHILIPPE, GIMS S

ART UNIT

PAPER NUMBER

2482

MAIL DATE

DELIVERY MODE

10/21/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,167	Applicant(s) VAN DER MEER ET AL.	
	Examiner Gims S. Philippe	Art Unit 2482	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>06/02/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. This is a first office action in response to application no. 10/596,167 filed on June 2nd 2006 in which claims 1-25 are presented for examination.

Specification

2. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

3. The abstract of the disclosure is objected to because it is submitted with design detail on two pages. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-8, 11, 14-16, and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Rose (US Patent no. 6731811).

Regarding claims 1 and 19, Rose discloses a method for providing heterogeneous layered video support comprising constructing signaling information defining how at least two layers are to be combined at a decoder (See Rose col. 3, lines 50-57, col. 5, lines 15-37), and transmitting the signaling information along with the at least two layers in a transport stream to the decoder (See Rose col. 6, lines 19-36).

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As per claims 2, 18 and 20, most of the limitations of these claims have been noted in the above rejection of claims 1 and 19. In addition, Rose further proposes an MPEG-2 transport stream (See col. 1, lines 19-25).

As per claims 14-16, most of the limitations of these claims have been noted in the above rejection of claims 1 and 6. The applicant should note that the signaling information will inherently contains an identifier of the reference layer (See col. 8, lines 28-40).

As per claims 3 and 5-8, most of the limitations of this claim have been noted in the above rejection of claim 1. In addition, Rose further discloses constructing signaling information as a plurality of parameter lists (See col. 5, lines 25-37).

As per claim 4, the QoS is met while the visual quality of the image is improved as shown in col. 3, lines 33-39 and col. 8, lines 43-46.

As per claim 11, Rose further provides signaling information wherein one of the parameter values defines, for a corresponding layer, a video stream encoding type (See col. 7, lines 10-25).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9-10 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rose (US Patent no. 6,731,811) in view of Haskell et al. (US Patent no. 5742343).

Regarding claims 9-10 and 12-13, most of the limitations of these claims have been noted in the above rejection of claim 8.

It is noted that Rose is silent about defining horizontal and vertical FIR coefficients for a filtering operation as specified.

However, Haskell provides a method for providing heterogeneous layered video including defining horizontal and vertical FIR coefficients for a filtering operation (See Haskell col. 5, lines 1-7, col. 7, lines 63-67, col. 8, lines 1-11).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Rose's layering method by incorporating Haskell's teachings defining horizontal and vertical FIR coefficients for a filtering operation. The motivation for performing such a modification in Rose is to form

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combined and filtered base layer and enhancement layer where noise has been reduced.

8. Claims 17 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rose (US Patent no. 6,731,811) in view of Harrell et al. (US Patent no. 7,274,661).

Regarding claims 21-25, most of the limitations of these claims have been noted in the above rejection of claims 1 and 19.

It is noted that Rose is silent about transmitting signal over the transport stream using an Internet Protocol stream to the decoder while the transmission session is performed either in-band or out-of-band as specified in the claims.

However, Harrell provides a method for providing layered video support including transmitting the layers (BS ES) over Internet Protocol using real-time transport protocol while the transmission session is performed either in-band or out-of-band (See Harrell col. 4, lines 23-37).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Rose's transmission step of the method for providing layered video support by incorporating Harrell's teaching where layered video support includes transmitting the layers (BS ES) over Internet Protocol using real-time transport protocol in the transmission session. The motivation for performing such a modification in Rose is to provide uninterrupted streaming media

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over IP networks in order to guarantee Quality of Service as taught by Harrell (See Harrell col. 4, lines 23-37).

As per claim 17, most of the limitations of this claim have been noted in the above rejection of claim 6.

It is noted that Rose is silent about providing heterogeneous layered video wherein one of the parameters defines whether a corresponding layer contains one of an interlaced or progressive stream.

However, Harrell provides a method for providing layered video support wherein one of the parameters defines whether a corresponding layer contains one of an interlaced or progressive stream (See Harrell col. 5, lines 1-7 and col. 6, lines 2-16).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Rose's layering by incorporating the step wherein one of the parameters defines whether a corresponding layer contains one of an interlaced or progressive stream. The motivation for performing such a modification in Rose is to prevent aliasing and maintain resolution as taught by Harrell in col. 1, lines 66-67 and col. 2, lines 1-6.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Chiang et al. (US Patent no. 6553072) teaches system for encoding and decoding layered compressed video data.

Horne et al. (US Patent no. 5515377) teaches adaptive video encoder for two-layer encoding of video signals on ATM (Asynchronous Transfer Mode) Networks.

Wan et al. (US Patent no. 6580754) teaches video compression for multicast environments using spatial scalability and simulcast coding.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Banks-Harold Marsha can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gims S Philippe
Primary Examiner
Art Unit 2482

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